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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/883,729

06/18/2001

Oliver Rottcher

01-376

2466

7590

10/19/2005

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EXAMINER

CRUZ, MAGDA

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

**Office Action Summary**

Application No.

09/883,729

Applicant(s)

ROTTCHER, OLIVER

Examiner

Magda Cruz

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-5,9-16,21-24 and 45 is/are pending in the application.
- 4a) Of the above claim(s) 16 and 21-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,9-15 and 45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br/>Paper No(s)/Mail Date _____</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)<br/>Paper No(s)/Mail Date. _____</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: _____</p> |
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## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Species I (i.e. claims 1, 3-5, 9-15 and 45) in the reply filed on 07/28/2005 is acknowledged.
2. Claims 16 and 21-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 07/28/2005.

### ***Allowable Subject Matter***

3. The indicated allowability of claims 14 and 15 in the Office Action mailed on 03/31/2005 is withdrawn in view of the following rejection.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-5, 9-15 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pastore.

Pastore (US Patent Number 4,588,267) discloses:

- Regarding claims 1 and 45, a mirror comprising a reflective surface (i.e. mirror surface; Figure 1, element 28), a non-reflective portion (Figure 1, element 14) provided within the reflective surface as an information provider (Figure 1, element 12), wherein at least a portion of the mirror surface is transparent for seeing therethrough (column 2, lines 28-31) and is backed by a display (Figure 1, element 14) provided with a moving image (i.e. image to be displayed; column 1, lines 10-15), whereby the display (Figure 1, element 14) is provided with an interchangeable item of information (column 1, lines 7-10).
- Regarding claim 3, the display (Figure 1, element 14) is provided with a colored image representation (column 3, lines 1-5).
- Regarding claim 4, the display is a flat screen (Figure 1).
- Regarding claim 5, the display employs one of TFT and plasmas technologies (i.e. instruments that can be placed on the display area; column 1, lines 10-15; column 3, lines 1-5).
- Regarding claim 9, the display (Figure 1, element 14) is connected to an input device (Figure 1, element 12).
- Regarding claim 10, the input device (Figure 1, element 12) is an external input device (column 2, lines 34-45).
- Regarding claim 11, the mirror surface (Figure 1, element 28) is part of a mirror insert (Figure 1, element 24), which is associated with a frame (Figure 1, element 20), which forms a mirror interior (Figure 2).

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- Regarding claim 12, the mirror surface (Figure 1, element 28) is part of a mirror attachment, which is fitted onto a frame (Figure 1, element 20) to form a mirror interior (Figure 2).
- Regarding claim 13, the frame (Figure 1, element 20) delimits the mirror interior (Figure 2) and is connected to the mirror surface (Figure 1, element 28).
- Regarding claims 14 and 45, the frame (Figure 1, element 20) is composed of channel profile members (Figure 2, elements 24 and 22) having a width which determines the depth of the mirror interior (i.e. the distance between elements 22 and 24 defines the depth of the mirror interior).

Pastore teaches the salient features of the present invention as explained above, except (regarding claims 1 and 15) a mirror wherein the display is secured to a frame by strut means. However, Pastore discloses an insertion stop (Figure 2, element 24) that in combination with the pressure clip (Figure 2, element 22) and the clock (Figure 2, element 12) give support to the display (Figure 2, element 14). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the insertion stop (Figure 2, element 24) and pressure clip (Figure 2, element 22) in combination with the clock (Figure 2, element 12) for the purpose of securing the display (Figure 2, element 14) to the frame (Figure 2, element 20).

**Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Searle (US Patent Number 1,680,016) discloses a display device comprising a mirror having a clear view portion through which the mirror reflects.

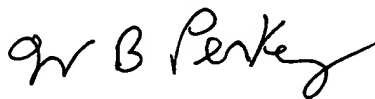
Borda (US Patent Number 4,747,223) teaches a mirrored communication system comprising a partially transparent mirrored screen.

Daniélczak (US Patent Number 5,887,369) shows a decorative wall display assembly.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Magda Cruz whose telephone number is (571) 272-2114. The examiner can normally be reached on Monday through Thursday 8:00-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**William Perkey**  
**Primary Examiner**

October 14, 2005